



# *Southeast Environmental Task Force*

*Working with Chicago's Southeast Side and south suburban communities to improve the Calumet region*

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June 11, 2016

EPA REGION 5  
ATTN: FOIA Officer  
Mail Code R-19J  
77 W. Jackson Blvd  
Chicago, IL 60604

*Via email: [whitehead.ladawn@epa.gov](mailto:whitehead.ladawn@epa.gov)*

**Re: FOIA Request Regarding BP Whiting Facility's Wastewater Treatment Plant**

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, the Southeast Environmental Task Force; ALERT, a project of Earth Island Institute; and the Government Accountability Project request any and all records, including drafts and electronic records as defined by the Act, whether generated or received by the USEPA, related to the waste water treatment plant (WWTP) operated by BP Products North America Inc. in Whiting, Indiana, ("BP Whiting") from December 1, 2010, through June 30, 2016, that are not currently in the public domain. Specifically, please provide any and all records generated in connection with or relating to:

- all Discharge Monitoring Reports for outfalls 002, 003, 004, and 005 from December 1, 2010, through June 30, 2016, as these outfalls discharge wastewater from the BP Whiting Facility to navigable waters of the United States; specifically, Lake Michigan (outfalls 002 and 005) and the Lake George Canal (outfalls 003 and 004);
- all wastewater treatment daily throughputs or flow rates from December 1, 2010, through June 30, 2016, corresponding to the requested DMRs;
- all daily flow rates through outfalls 002, 003, 004, and 005 from December 1, 2010, through June 30, 2016, corresponding to the requested DMRs;
- all operation records, inspection records, and any notations or recorded comments, relating to the number six separator ("Six Separator") from December 1, 2010, through June 30, 2016, including daily throughput; daily oil removal quantity from booms, vacuum trucks, and other; cleaning and maintenance schedules; maintenance records and reports, including data entry from technicians and supervisors assigned to these job tasks; date and quantity of sludge removed during cleaning and/or maintenance operations; sludge accumulation rates or volume; and sludge disposal records, including Chain of Custody records;
- all Tr&ction and any other integrated incident reporting and action tracking system reports, including event descriptions, relating to Six Separator from December 1, 2010, through June 30, 2016;

- all air quality monitoring data for the WWTP in general and specifically for Six Separator that is open to the ambient air, from December 1, 2010, through June 30, 2016;
- all records, including modeling reports, lab tests, and environmental monitoring, relating to how planned and operational throughput and residence time were determined to be sufficient and in compliance with permit limits for each required parameter for, specifically:
  - initial daily Facility throughput, residence time, and type of crude oil processed;
  - any changes in daily throughput, residence time, and type of crude oil processed resulting from Facility upgrades;
  - any changes in daily throughput and residence time resulting from heavier crude oil and/or Canadian tar sands oil;
  - any changes in daily throughput and residence time resulting from installation and use of a diffuser; and
  - current daily throughput of 55 to 85 million gallons per day;
- all modeling reports, lab data and reports, and environmental monitoring data and reports, and other records relating to permitting and use of a diffuser to meet Great Lakes Water Quality Standards using physical dilution method including:
  - size and spatial dimensions of a mixing zone,
  - concentration of pollutants at the mixing zone boundary,
  - pollutant loads entering the receiving waters of Lake Michigan, and
  - physical parameters of Lake Michigan in the vicinity of outfalls 002, 003, 004, and 005 and the diffuser, including circulation, temperature and density gradients and variability in these gradients, relating to seasonal turnover and/or stratification of water layers;
- all records relating to discharge of any nitrate compound effluents from the WWTP, including daily, monthly, and annual levels discharged from December 1, 2010, through June 30, 2016; and
- PNIDs—Piping and Instrument Designs, including “As-Builts” and completed upgrades for the WWTP.

Thank you very much for your assistance.

If any of the material covered by this request has been destroyed or removed, please provide all surrounding documentation including, but not limited to, a description of the action taken regarding the materials and justification for those actions taken. For any documents or portions you deny due to a specific FOIA exemption, please provide a detailed justification of your grounds for claiming such exemption, pursuant to *Vaughn v. Rosen*, 523 F.2d 1136 (D.C. Cir. 1975), identify the record that is withheld and explain why the exemption is relevant to the document or portion of the document withheld.

The Southeast Environmental Task Force (SE Task Force) and ALERT are our designated Point of Contact (POC) for this FOIA.

- SE Task Force is a Chicago-based, non-profit, non-partisan, public interest organization chartered under IRS Code §501 (C)(3) as a non-profit, educational and charitable organization. Founded in 1989, SE Task Force serves the southeast side of Chicago and larger public by promoting sustainable development, environmental restoration and justice, and pollution prevention.
- ALERT’s fiscal sponsor, Earth Island Institute, is California-based, non-profit, non-partisan, public interest organization chartered under IRS Code §501 (C)(3) as a non-profit, educational and charitable membership organization that supports people who are creating solutions to protect our shared planet. EII was founded in 1982 by David Brower.
- The ALERT Project works to make healthy people and healthy communities are part of our energy future. ALERT works in local communities nationwide, sharing science and

skills to empower people impacted by oil and chemical activities to have a meaningful voice in determining what activities occur in their region.

We request that all fees incurred in connection with the attached request to the USCG be waived, because “disclosure of the information is in the public interest and is not primarily in the commercial interest of the requester.” 5 U.S.C. §552 (a)(4)(A)(iii).

We consent to the deletion of any material that would violate an individual’s rights under the Privacy Act. We will work with your office to prioritize responsive data for this request, further refine the request if you find any terms too imprecise, conduct searches for unclassified responsive records, or engage in any other reasonable activities that would lessen the agency’s burden and costs.

In our efforts to promote government and industry accountability, we work closely with public officials, the media, and the public to alert them to irregularities and opportunities for citizen involvement in game-changing solutions towards sustainable communities. The information requested will be used in connection with a public campaign, aimed at key decision-makers at the local, state, and federal levels and the general public, to establish comprehensive, inclusive, and long-term solutions that will squarely address the long-standing pollution problems associated with BP Whiting refinery operations and consistently monitor future operations to ensure these past and present problems are not repeated.

The intended outcomes of our effort are to enhance citizen and community engagement, relating to oversight and monitoring of the BP Whiting facility; improve the environmental track record for this Facility, in particular the wastewater treatment plant, by reducing chronic air and water pollution; and improve spill prevention measures to reduce the risk of oil discharges.

Disclosure of this information by SE Task Force and ALERT is in no way connected with any commercial interest since these entities are or are a project of, respectively, non-profit, tax-exempt organizations under § 501 (c)(3) of the IRS Code. The information we are seeking is crucial to advance public knowledge and will not be put to any commercial use.

Please be reminded that under the Freedom of Information Act, we are entitled to a response to this request within twenty (20) working days. Should this request be denied for any reason, we ask that a detailed explanation be provided along with the name of the person to whom administrative appeals should be addressed.

Thank you in advance for your assistance and cooperation.

Sincerely,

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